

CITY COUNCIL AFTERNOON AGENDA

JUNE 21, 2005

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:34 a.m. - Closed Session, Room 600, City Hall
Absent – Council Members: None.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 6)**
Willows Senior Theater performed a sketch entitled, “The Phone Call.”
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1 CEREMONIAL ITEMS

1.1 HEARD IN THE EVENING

1.2 HEARD IN THE EVENING

- 1.3** Presentation of commendations to the Westmont High School Drama Department and Jeff Bengord for their excellent presentation of *Seussical the Musical*. (LeZotte)
Mayor Gonzales and Council Member LeZotte presented commendations to Mr. Jeff Bengord and the Westmont High School Drama Department for their excellent presentation of *Seussical the Musical*.

1.4 HEARD IN THE EVENING

1 CEREMONIAL ITEMS

- 1.5 Presentation of commendations to Jamie Matthews and Marty Pardun for volunteering their free time to find a grant to purchase gardening supplies and for using those materials to landscape the blighted front yard of an elderly and disabled World War II Veteran. (LeZotte)
Mayor Gonzales and Council Member LeZotte presented commendations to Jamie Matthews and Marty Pardun for their contributions to the community and volunteer efforts in assisting an elderly and disabled World War II Veteran.
- 1.6 Presentation of a commendation to Dr. Tae Yun Kim for her career of dedication and service to the people of our community. (Mayor)
(Deferred from 6/14/05 – Item 1.3)
HEARD IN THE EVENING
- 1.7 Presentation of a commendation to Capital Honda United Auto Group for its important contribution to the San José economy. (Mayor)
Mayor Gonzales presented a commendation to Mike Meyers and Russ Hill of Capitol Honda United Auto Group for its important contribution to the San José economy.
- 1.8 **HEARD IN THE EVENING**

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final adoption of ordinances.**
- Recommendation:** Final adoption of ordinances:
- (a) ORD. NO. 27436 – Amends Sections 3.28.200 and 3.28.340 of Chapter 3.28 of Title 3 of the San José Municipal Code to simplify the system of reserves in the Federated City Employees Retirement Fund.
[Deferred from 5/24/05 – Item 2.2(a) and 6/7/05 – Item 2.2(a)]
Deferral to 6/28/05.
- (b) ORD. NO. 27453 – Levies special taxes within Community Facilities District No. 11 (Adeline-Mary Helen).
Ordinance No. 27453 adopted.
- (c) ORD. NO. 27456 – Establishes a Pilot Program allowing Sidewalk Café Permits in Conjunction with a Public Entertainment Permit and Alcohol Sales, until a date no later than July 22, 2006.
Ordinance No. 27456 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances:

- (d) ORD. NO. 27457 – Amends Sections 20.40.010, 20.40.130, 20.40.270, and 20.40.300, and appealing Sections 20.40.280 and 20.40.310, all of Chapter 20.40 of Title 20 of the San José Municipal Code to streamline and clarify processes related to the commercial zoning districts and amending Section 20.40.200 of Chapter 20.40 of Title 20 of the San José Municipal Code to remove the CP Commercial Pedestrian District Use Size restriction for the west San Carlos Street Neighborhood Business District.
Ordinance No. 27457 adopted.
- (e) ORD. NO. 27459 – Rezones certain real property situated on the southeast corner of Stevens Creek Boulevard and Boynton Avenue (3680 Stevens Creek Boulevard) to CG(PD) Planned Development Zoning District. PDC04-101
Ordinance No. 27459 adopted.
- (f) ORD. NO. 27460 – Rezones certain real property situated at the Northwest corner of N. 2nd St. and Devine Street (257 North 2nd Street) to DC Downtown Primary Commercial Zoning District. C04-067
Ordinance No. 27460 adopted.
- (g) ORD. NO. 27461 – Rezones certain real property situated on the south side of Willow Street, approximately 100 feet easterly of Palm Street (312 Willow Street) to R-2 Two-Family Residence Zoning District. C05-033
Ordinance No. 27461 adopted.
- (h) ORD. NO. 27462 – Rezones certain real property situated at the northeast corner of East Julian Street and North 1st Street (320 N. 1st Street) to A(PD) Planned Development Zoning District. PDC05-032
Ordinance No. 27462 adopted.
- (i) ORD. NO. 27463 – Rezones certain real property situated on the northwest corner of King and Mabury Road (1685 Mabury Road) to A(PD) Planned Development Zoning District. PDC04-093
Ordinance No. 27463 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances:

- (j) ORD. NO. 27464 – Rezones certain real property situated on the west side of Delmas Avenue at the terminus of Dorothy Avenue (1235 Delmas Avenue) to A(PD) Planned Development Zoning District. PDC04-092
Ordinance No. 27464 adopted.

- (k) ORD. NO. 27465 – Rezones certain real property situated at the northwest corner of McAbee Road and Skyfarm Drive (17571 McAbee Road) to A(PD) Planned Development Zoning District as to a certain 5.74 acres and to A-Agricultural Zoning District as to a certain 3.18 acres. PDC05-003
Ordinance No. 27465 adopted.

2.3 Approval to amend the consultant agreement for the Noise Impact Area.

Recommendation: Approval of a second amendment to the agreement with Corlett, Skaer and DeVoto Architects, Inc. for consultant services related to noise attenuation of properties located within the Noise Impact Area, modifying the compensation provisions with no increase in total compensation. CEQA: Resolution Nos. 67380 and 71451, PP 05-113. (Airport)
Approved.

2.4 Approval to extend the consultant agreement for marketing communications and customer service at the Airport.

Recommendation: Approval to exercise a one-year option to extend the agreement with Barnestorming Advertising and Marketing Communications to conduct marketing communications and customer service consultant services for the Norman Y. Mineta San José International Airport for the period July 1, 2005 through June 30, 2006, in an amount not to exceed \$185,000. CEQA: Resolution Nos. 67380 and 71451, PP 04-04-162. (Airport)
Approved.

2.5 Approval of an agreement for a financial feasibility consultant for the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Ricondo & Associates, Inc. to serve as the Airport financial feasibility consultant for the period July 1, 2005 to June 30, 2008, in an amount not to exceed \$300,000, with two one-year options to extend the agreement at the City's sole discretion at no additional compensation. CEQA: Resolution Nos. 67380 and 71451, PP05-128. (Airport)
Resolution No. 72739 adopted.

2 CONSENT CALENDAR

2.6 Approval to amend the agreement for legal services.

Recommendation:

- (a) Adoption of a resolution authorizing the City Attorney to negotiate and execute an amendment to the agreement with Renne Sloan Holtzman & Sakai, LLP for legal services in connection with labor relations and negotiations, increasing compensation by \$175,000, for a total amount not to exceed \$250,000, and extending the term through June 30, 2006.

Resolution No. 72740 adopted.

- (b) Adoption of the following Appropriation Ordinance amendments in the General Fund:

- (1) Increase the City Attorney's Office Non-Personal/Equipment appropriation by \$150,000.
(2) Decrease the Contingency Reserve by \$150,000.

CEQA: Not a Project

(City Attorney's Office/City Manager's Office)

Ordinance No. 27469 adopted.

2.7 Approval to amend an agreement for promotion and sales services for the Convention and Cultural Facilities.

Recommendation: Approval of a second amended and restated agreement with the San José Convention and Visitors Bureau for promotion and sales services for the Convention and Cultural Facilities, exercising the five-year option to extend the agreement from July 1, 2005 to June 30, 2010. CEQA: Not a Project. (City Manager's Office)

Approved.

2.8 Approval of a community Event and funding at the HP Pavilion for the Viet ET Foundation's Tenth Annual Summer Concert.

Recommendation: Approval to use the HP Pavilion at San José for a Community Event date, at a 50% of program funding level that is not to exceed \$20,000 of event-related expenses for the Viet ET Foundation's Tenth Annual Summer Concert on July 30, 2005.

CEQA: Resolution No. 60199. (Economic Development)

Approved.

2.9 Approval of an agreement for the collection and maintenance of Public Litter Cans.

Recommendation: Adoption of a resolution authorizing the City Manager to execute a project approval form, pursuant to the FY 2005-06 Master Agreement, between the City of San José and the San José Conservation Corps for the collection and maintenance of approximately 800 Public Litter Cans in an amount not to exceed \$200,000, for the period July 1, 2005 to June 30, 2006. CEQA: Negative Declaration and Addenda thereto, PP92-05-098 and PP04-278. (Environmental Services)

Resolution No. 72741 adopted.

2 CONSENT CALENDAR

2.10 Approval of a Change Order for the Edenvale Well Project.

Recommendation: Approval of Contract Change Order No. 1 for the Edenvale Well #4 Project, in the amount of \$51,697, for a total contract amount not to exceed \$281,107, and an extension of ten working days for a total of 275 working days. CEQA: Exempt, PP03-07-239. Council District 2. (Environmental Services)

Approved.

2.11 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #20 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

Approved.

2.12 Approval of an amendment to the General Banking Services Agreement with Union Bank of California.

Recommendation: Approval of the Third Amendment to the General Banking Services Agreement with Union Bank of California (UBOC), to extend the term of the agreement for one year, from July 1, 2005 through June 30, 2006, in an amount not to exceed \$750,000 for the one year extension. CEQA: Not a Project. (Finance)

Approved.

2.13 Approval to amend the Investment Custodial Services Agreement with Wells Fargo Bank.

Recommendation: Approval of the Second Amendment to the Investment Custodial Services Agreement with Wells Fargo Bank to extend the term of the agreement for one year, from July 1, 2005 through June 30, 2006, in an amount not to exceed \$50,000 for the one year extension. CEQA: Not a Project. (Finance)

Approved.

2.14 Approval of the Lower Guadalupe River Trail Master Plan.

Recommendation: Adoption of a resolution approving the Lower Guadalupe River Trail Master Plan and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project. CEQA: Mitigated Negative Declaration, PP04-323. Council Districts 3 and 4. (Parks, Recreation and Neighborhood Services)

Resolution No. 72742 adopted.

2 CONSENT CALENDAR

2.15 Approval of the Parkland Agreement for additional private recreation credits.

Recommendation: Approval of the third amendment to the Parkland Agreement with the Irvine Commercial Property Company, Moitozo Ranch Housing, for additional private recreation credits equivalent to 270-multi-family units, for a total of 929 multi-family units credited under the agreement. PDC99-04-034. CEQA: Resolution No. 68667. Council District 4. (Parks, Recreation and Neighborhood Services)

Approved.

2.16 Approval of a Master Agreement for various parks and recreation projects.

Recommendation: Approval of a Master Agreement with LSA Associates, Inc. for environmental planning, preparation of initial studies, and environmental clearance applications for various parks and recreation projects, from the date of execution through June 30, 2008, in an amount not to exceed \$500,000. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Approved.

2.17 Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 69.

Recommendation: Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 69, which involves the annexation to the City of San José of 0.25 acre of land more or less, located at the east side of Page Street, approximately 540 feet southerly of Douglas Street and a adjacent to the City of San José annexation Sunol No. 58, and the detachment of the same from Sunol Sanitary, County Lighting County Services, Central Fire Protection, and Area No. 01 (Library Services) County Services. CEQA: Resolution No. 65459, File No. C04-113. Council District 6. (Planning, Building and Code Enforcement)

Resolution No. 72743 adopted.

2.18 Approval of an ordinance to adopt the 2002 edition of the National Electrical Code.

Recommendation: Approval of an ordinance amending Chapters 24.01, 24.02, and 24.06 of Title 24 of the San José Municipal Code to adopt the 2002 edition of the National Electrical Code (NEC), with the State of California amendments, but with no local amendments, as the City of San José Electrical Code. CEQA: Not a Project. (Planning, Building and Code Enforcement).

Ordinance No. 27470 passed for publication.

2 CONSENT CALENDAR

2.19 Approval to award a contract for the Blackford Storm Drain Improvements Project.

Recommendation: Report on bids and award of contract for the SNI BLK 09: Blackford Storm Drain Improvements Project to the sole bidder, Wattis Construction Co. Inc., in the amount of \$164,648, and approval of a contingency in the amount of \$8,000. CEQA: Exempt, PP05-048. Council District: 1. SNI: Blackford. (Public Works)

Approved.

2.20 Approval to award a contract for the Columbus Park Restroom Project.

Recommendation: Report on bids and award of contract for the Columbus Park Restroom Project to the low bidder, Ranis Construction Inc., in the amount of \$234,000, and approval of a contingency in the amount of \$35,000. CEQA: Exempt, PP05-026. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

2.21 Approval to award a contract for the Traffic Signal Modification.

Recommendation: Report on bids and award of contract for the Traffic Signal Modification at Airport Parkway and Technology Drive Project to the lowest responsive bidder, San José Signal Electric Construction, Inc., in the amount of \$205,000, and approval of a contingency in the amount of \$20,500. CEQA: Resolution No. 65071, PP05-074. Council District 3. (Public Works/Transportation)

Approved.

2.22 Adoption of a resolution to set forth a revised schedule of parking penalties.

Recommendation: Adoption of a resolution repealing Resolution No. 72116, to set forth a revised schedule of parking penalties that includes:

- (a) An increase to the penalty for a total of \$28 for each parking citation for:
 - (1) An expired Parking Meter.
 - (2) Parking out of a Designated Space.
- (b) Collection of a \$3 processing fee by the City, through a citation processing vendor, for payments made by credit card.

CEQA: Not a Project. (Transportation)

Resolution No. 72744 adopted.

2.23 Approval to close a segment of Stockton Avenue.

Recommendation: Adoption of a resolution to close a segment of Stockton Avenue at the railroad crossing between Emory Street and University Avenue to improve public safety and to both enhance the quality and reduce the noise of rail services. CEQA: Exempt, PP05-077. Council Districts 3 and 6. (Transportation)

Resolution No. 72745 adopted.

2 CONSENT CALENDAR

2.24 Approval of a grant agreement for the Downtown Area Shuttle.

Recommendation: Approval of a grant agreement with the San José Downtown Association to continue the operations of a Downtown Area Shuttle (DASH) by the Santa Clara Valley Transportation Authority, in an amount not to exceed \$600,000, for the period July 1, 2005 to June 30, 2008. CEQA: Not a Project. Council District 3. (Transportation)

Approved.

2.25 Approval of an agreement to transfer properties supporting City facilities constructed by the Tasman and Capital Light Rail Transit Projects.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara Valley Transportation Authority for the transfer of properties supporting City facilities constructed by the Tasman and Capital Light Rail Transit Projects, and authorizing the Director of Public Works to execute all related documents and deed acceptances necessary to effectuate the transfer of these properties. CEQA: The Santa Clara Valley Transportation Authority Board of Directors approved Final Environmental Impact Reports for the Tasman East LRT Project on January 12, 1993 and for the Capital LRT project on March 2, 2000. Council Districts 4 and 5. SNI: East Valley/680 Communities. (Transportation/Public Works)

Resolution No. 72746 adopted.

2.26 Appointment to the Downtown Parking Board

Recommendation: Approval of an appointment to the Downtown Parking Board. (Mayor)

Approved.

2.27 Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period of April 16 through May 15, 2005.*

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period of April 16 through May 15, 2005.* (City Auditor)

The Report was accepted.

2.28 Acceptance of the Office of the City Auditor's *Report on Sales Tax Audit Results for the Quarter Ended March 31, 2005.*

Recommendation: Acceptance of the Office of the City Auditor's *Report on Sales Tax Audit Results for the Quarter Ended March 31, 2005.* (City Auditor)

The Report was accepted.

2 CONSENT CALENDAR

2.29 Approval of the City Auditor's Travel Calendar from July 1 through December 31, 2005.

Recommendation: Approval of the City Auditor Gerald Silva's travel calendar from July 1 through December 31, 2005, at no cost to the City. (City Auditor)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair None.

3.2 Report of the Rules Committee Vice Mayor Chavez, Chair None.

3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair None.

3.4 Approval of budget actions related to FY 2004-2005 estimated revenue receipts, expenses, and encumbrances.

Recommendation: Adoption of amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated FY 2004-2005 revenue receipts, expenses, and encumbrances. CEQA: Not a Project. (City Manager's Office)

Ordinance No. 27471 adopted.

Resolution No. 72747 adopted.

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of actions related to a Master Facility Use Policy for the New City Hall.

Recommendation:

- (a) Adoption of a resolution approving a Council Policy establishing a Master Facility Use Policy for New City Hall, and superseding Council Policy 7-2 regarding the use of the Council Chambers.
Resolution No. 72748 adopted.
- (b) Approval of an ordinance to amend Title 13 of the San Jose Municipal Code to add a new Chapter 13.23 to regulate use of New City Hall Plaza.
Ordinance No. 27472 passed for publication.
- (c) Adoption of a resolution setting the fees for use of New City Hall facilities for meeting, indoor events and outdoor events on the New City Hall Plaza.
Resolution No. 72749 adopted.
- (d) Adoption of the following 2005-2006 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Increase the revenue estimate for Departmental Charges by \$137,000.
 - (2) Increase the General Services personal services appropriation by \$137,000.**Ordinance No. 27473 adopted.**
Resolution No. 72750 adopted.
- (e) Approval of the addition of 1.0 Senior Events Coordinator and .5 Events Coordinator Part-Time in the General Services Department.
CEQA: Resolution No. 68905. (City Manager's Office)
Approved.

Staff directed to return to Council with a status update once budget expectations and status of demand for facility usage have been assessed.

3.6 Certification of the Results of the Special Municipal Election held June 7, 2005.

Recommendation: Adoption of a resolution declaring the results of the June 7, 2005 Special Municipal Election, pursuant to Elections Code Section 15400. (City Clerk)
Resolution No. 72751 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair None.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.2 Report of the Driving a Strong Economy Committee**
Council Member Williams, Chair
None.

- 4.3 Approval of actions related to the Evergreen Visioning Project.**

Recommendation: Approval of the following actions pertaining to the Evergreen Visioning Project:

- (a) Approval of the work plan.
- (b) Approval of the Vision and Desired Outcome Statements.
- (c) Direction to the Evergreen Visioning Project Task Force to use Vision and Desired Outcomes Statements as its direction for creating the Evergreen Vision Strategy.
- (d) Initiation of an update to the Evergreen Development Policy and associated General Plan text amendments.

CEQA: Exempt, PP03-10-349. Council Districts 5, 7, and 8. SNI: KONA, West Evergreen and East Valley/680 Communities. (Planning, Building and Code Enforcement)

(Study Session referral 6/8/05)

HEARD AFTER ITEMS 12.2 TO 12.5

Council approved a memorandum from Mayor Gonzales, Council Member Cortese and Council Member Campos, dated June 21, 2005, recommending approval of staff's recommendations outlined in the memo dated June 16, 2005, with the following changes:

(1)(a): [Attachment 2] EVP Vision and Expected Outcome #6 should be changed to read: "Explore opportunities to increase workplace density on existing industrially zoned land to create mixed-use opportunities, utilizing information provided in the "Trade Off Analysis", (1)(b): [Attachment 2] EVP Vision and Expected Outcome #7 should be changed to read: "Capture new retail and commercial opportunities while strengthening all existing retail including the commercial center at the Evergreen Village", (1)(c): [Page 6] All three affordable housing scenarios shall be explored as part of the EVP process.

(2): Receive the attached list of the Task Force composition (Attachment 1)

(3): Direct staff to present the Task Force with the framework for the Trade-Off Analysis described on Page 3 in advance of its preparation.

(4): Direct staff to work with Task Force to structure the Community Facilities District such that Greenprint projects within the boundaries of the Area Development Policy are not delayed by other projects on the EVP Community Amenities List. The parks, trails and open spaces included in the Community Amenities List must have originated from at least one of the following processes/documents: (a) City's adopted Greenprint, (b) City's SNI planning process, (c) Turnekey Projects that are integrated as part of the internal design of the yet to be determined subdivisions and developments, (d) Projects approved by the City Council to be implemented or pursued.

Staff directed to include within their work plan the issue of affordable housing.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 HEARD IN THE EVENING

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – June 9, 2005 Council Member Yeager, Chair

- (a) Schools/City Collaborative Joint Use Agreements – Discussion on how we can better work with schools
The Committee accepted the report.
- (b) Safe School Campus Initiative Update
The Committee accepted the report, with direction for staff to return to the Committee with information on the hours community/teen centers can be made accessible to meet the needs of youth.
- (c) School Traffic Safety Discussion
The Committee accepted the report, with direction for staff to: (a) Provide information for the June 14 Council meeting on, (a)(1): Where are the crossing guards located now; and (a)(2): How many locations did we fund versus how many will need to be funded for the coming year; (b) Submit an Information Memo to the Mayor and Council; (c) Return to the Committee in August with updated information on school crossing guards, based on the Mayor's June budget message.
- (d) Oral Petitions
None.
- (e) Adjournment
The meeting was adjourned at 2:42 p.m.

5 RECREATION & CULTURAL SERVICES

5.2 Public Hearing on the Parkland Dedication Ordinance and Park Impact Ordinance. Recommendation:

- (a) Approval of an ordinance to amend the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO), Chapters 19.38 and 14.25, respectively, of the San José Municipal Code to incorporate additions to the types of parkland and improvements acceptable for dedication and to add and/or clarify certain definitions and sections of the Ordinances.

Continued to 8/16/05.

- (b) Adoption of a resolution to amend the fee schedule for PDO/PIO to:
 - (1) Incorporate the 2000 Census data and the findings of the 2004 Land Value Study conducted by Diaz, Diaz and Boyd.
 - (2) Include Single Room Residential Occupancy Unit (SRO) as an approved dwelling unit type and establish the average number of persons for SRO occupancy as 1 for purposes of calculating PDO/PIO requirements
 - (3) Set in-lieu fees at 85% of 2004 land values effective January 1, 2006.
 - (4) Establish January 1, 2006 following the adoption of future adjustments as the effective date for implementation.
 - (5) Provide private recreational credits for active elements to include the following additions:
 - (a) Give credit for private dog amenities at least 400 square feet or more in size.
 - (b) Give credit for private garden plots.
 - (c) Give credit for private urban plaza areas and/or public garden spaces of 1,000 square feet or more that are contiguous to a public right-of-way or on a rooftop area open to the public at least 360 days per year during daylight hours.
 - (d) Give credit for roof top recreational facilities open to the public at least 360 days per year.
 - (e) Exclude downtown core area developments from the private recreational credit requirement to provide active recreational elements.
 - (6) Provide recreational credits for public improvements to include the following additions:
 - (a) Give credit for land in fee or by an easement acceptable to the City Attorney and/or trail construction costs associated with completing the proposed City Trail System.
 - (b) Give credit for land and/or construction costs of new community gardens.
 - (c) Grant a fifty percent (50%) credit for dedication of public land under the PDO and PIO that is used for multi-purpose stormwater detention and/or filtering areas developed under provisions of the City's Urban Runoff Management Plan (C3 and HMP) that also provides a recreational benefit.

Dropped.

CEQA: Not a Project. SNI: Washington. (Parks, Recreation and Neighborhood Services)
(Deferred from 5/17/05 - Item 5.3 and 6/7/05 - Item 5.2)

5 RECREATION & CULTURAL SERVICES

5.3 Approval of FY 2005-2006 Transient Occupancy Tax and General Fund arts program allocations, grants, and agreements.

Recommendation: Approval of the following Arts Commission recommendations:

- (a) Allocate funds to the Office of Cultural Affairs for FY 2005-06 arts and cultural programs, projects, grants, and activities, in a total amount not to exceed \$3,001,310; and

Approved.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute FY 2005-06 grant agreements as follows:

- (1) Festival, Parade and Celebration Grant Agreements with 25 organizations for 33 events, in a total amount not to exceed \$335,716; and
 - (2) Arts Grant Agreements with 55 organizations, in a total amount not to exceed \$2,010,594.

CEQA: Not a Project. (Cultural Affairs)

Resolution No. 72752 adopted.

Staff directed to report back on the Veteran's Parade and TET Festival and how they rated in the grant qualification process. Disqualified: Cortese, legal relationship with a grantee.

5.4 Approval to reject all bids for the West San José Community Center.

Recommendation: Approval to reject all bids for the West San José Community Center Project and authorization for the Director of Public Works to re-advertise and re-bid the project with revision in project scope. CEQA: Exempt, PP04-03-090. Council District 1. SNI: Blackford. (Public Works/Parks, Recreation and Neighborhood Services/Police)

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – June 6, 2005 Council Member Campos, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
The Committee accepted the report.
- (b) Traffic Relief/Safe Streets
The Committee accepted the report.
- (c) Supporting Smart Growth
No Items.
- (d) Regional Relationships/Funding/Policy
The Committee accepted the report.
- (e) Oral Petitions
There were none.
- (f) Adjournment
The Committee was adjourned at 3:15 p.m.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to award a contract for the East San José Sanitary Sewer Rehabilitation Project.

Recommendation: Report on bids and award of contract for the East San José Sanitary Sewer Rehabilitation Phase III Project to the sole bidder, D'Arcy & Harty Construction, in the amount of \$1,082,125, and approval of contingency in the amount of \$110,000. CEQA: Exempt, PP05-039. Council District 5. SNI: Gateway East. (Public Works)

Approved.

7.2 Approval to award a contract for the Lincoln and Willow Sanitary Sewer Rehabilitation Project.

Recommendation: Report on bids and award of contract for the Lincoln and Willow Sanitary Sewer Rehabilitation Project to the sole bidder, Insituform Technology, Inc., in the amount of \$1,273,797, and approval of a contingency in the amount of \$254,000. CEQA: Exempt, File No. PP05-017. Council District 6. (Public Works)

Approved.

8 AVIATION SERVICES

8.1 Approval to submit Passenger Facility Charge application amendments for various projects at the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to submit applications to the Federal Aviation Administration (FAA) and to execute any documents necessary to amend the scope of the City's authority to collect and expend passenger facility charges (PFCs) for the Runway 12/30L Reconstruction, Runway 12/30L Extension, Expanded Noise Attenuation, and Taxiway Y Reconstruction Projects with a net reduction in the total PFC collection authority in the amount of \$76,674,000. CEQA: Resolution Nos. 67380 and 71451, PP 05-110. (Airport)

Resolution No. 72753 adopted.

8.2 Acceptance of the Airport's Technology Procurement Strategy for selecting vendor(s).

Recommendation: Acceptance of the Procurement Strategy that outlines the process to be used for selecting vendor(s) for the successful implementation of the technology and systems in the Norman Y. Mineta San José International Airport North Concourse facility and direction to the City Manager to proceed with the procurement process and schedule as defined. CEQA: Not a Project. (Finance/Airport/Information Technology)

Council approved a memorandum from Mayor Gonzales, dated June 20, 2005, recommending acceptance of staff's procurement strategy for the IT systems for the North Concourse.

8.3 Approval to award a contract for the Airport North Concourse Building Foundation Piles Project.

Recommendation: Report on bids and award of contract for the Norman Y. Mineta San José International Airport North Concourse Building Foundation Piles (Package 2) Project to the low bidder, Foundation Constructors, Inc., in the amount of \$5,543,350 and approval of a contingency in the amount of \$554,335. CEQA: Resolutions No. 67380 and 71451, PP 05-087. (Public Works/Airport)

Approved.

8.4 Approval to reject all bids for the Airport USO/Parking Revenue Control Modular Offices.

Recommendation: Approval to reject all bids for the Norman Y. Mineta San José International Airport-USO/Parking Revenue Control Modular Offices contract and authorization for the Director of Public Works to re-advertise and rebid the project. CEQA: Resolutions No. 67380 and 71451, PP 05-075. (Public Works/Airport)

Approved.

9 PUBLIC SAFETY SERVICES

9.1 Acceptance of the Independent Police Auditor's 2004 Year-End Report and Outreach Plan Report.

Recommendation:

- (a) Acceptance of the Independent Police Auditor's 2004 Year-End Report.
- (b) Acceptance of the Independent Police Auditor's Outreach Plan Report.
(Independent Police Auditor)

The Reports were accepted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 2:01 P.M. to consider Items 10.1, 10.2, 10.3, 10.4 And 10.5 in a Joint Session.

10.1 Approval of various actions related to Recycle Plus Rate Increases and Commercial Franchise Fees.

Recommendation:

- (a) Open the Public Hearing on the Recycle Plus program rate increases effective August 1, 2005, and on potential increases for Fiscal Years 2006-07 and 2007-08, for purposes of collecting public comment only and continue the Public Hearing and Council discussion and action on the matter to the August 30, 2005 City Council meeting;

The Public Hearing was held.

- (b) Defer Council discussion and action on the following recommendations to the August 30, 2005 City Council meeting:
 - (1) Resolution revising Recycle Plus rates for integrated waste management services beginning August 1, 2005, increasing single-family rates by approximately 3% and multi-family rates by approximately 2%;

Deferred to 8/30/05.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of various actions related to Recycle Plus Rate Increases and Commercial Franchise Fees. (Cont'd.)

Recommendation:

- (c) Adoption of a resolution revising the Commercial Solid Waste Collection Franchise Fee for services performed on or after August 1, 2005, as follows:
 - (1) For each uncompacted cubic yard of solid waste collected, increase the Franchise Fee from \$3.34 to \$3.49 per cubic yard.
 - (2) For each compacted cubic yard of solid waste collected, increase the Franchise Fee from \$10.02 to \$10.47 per cubic yard.
 - (3) Revise the exemption from the Franchise Fee from the first 20,900 to the first 20,000 cubic yards of uncompacted solid waste (or equivalent of compacted solid waste) collected in any fiscal year (July 1 through June 30) for haulers that do not provide front loader service.
 - (4) For each ton of solid waste collected by Green Team of San Jose in roll-off containers and compactors pursuant to the Agreement for Solid Waste Collection Services at City Facilities for which franchise fees are required to be charged by weight rather than volume, adjust the Franchise Fee to be \$58.17 per ton.

CEQA: Not a Project. (City Manager's Office/Environmental Services)

Resolution No. 72754 adopted.

10.2 Approval of proposed increase in Municipal Water System meter charges.

Recommendation:

- (a) Adoption of a resolution amending San José Municipal Water System rates and charges resolution to increase potable water meter charges by 9%-20% resulting in a 2.6% overall rate increase for Fiscal Year 2005-2006; and

Resolution No. 72755 adopted.

- (b) Adoption of a resolution amending San José Municipal Water System recycled water meter rates and charges resolution to maintain recycled water meter rates equal to potable meter rates.

CEQA: Not a Project. Council Districts 2, 4, 7, and 8. (Environmental Services)

Resolution No. 72756 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.3 Public Hearing and approval of Fiscal Year 2005-2006 Sanitary and Storm Sewer Service and Use Charge Rates.

Recommendation:

- * (a) Adoption of a resolution setting Sanitary and Storm Sewer Service and Use Charge rates for FY 2005-06 to reflect the following proposed rate increases:

<u>Category</u>	<u>% Increase</u>
Residential	4.5%
Non-monitored commercial and industrial	2%-6%
Monitored industrial average	3.9%

Resolution No. 72757 adopted.

- (b) Conduct a public hearing on proposed increases in FY 2005-06 Storm Sewer Service Charges; and adoption of a resolution setting FY 2005-06 rates to reflect the following rate increases:

<u>Category</u>	<u>% Increase</u>
Residential	4.5%
Mobile Home	4.2%
Large Multi-Family	4.3%
Condominium	4.3%
Small Multi-Family	4.4%
Commercial, institutional, and industrial	Not to exceed 4.6%

The Public Hearing was held.

- (c) Conduct a public hearing on proposed maximum increases in Storm Sewer Service Charges for FY 2006-07 and 2007-08; and direct staff to return during the FY 2006-07 and 2007-08 budget cycles with recommendations for rate increases in FY 2006-07 and 2007-08, consistent with the staff recommended maximum rate increases for those years.

CEQA: Not a Project. (Environmental Services)

The Public Hearing was held.

10.4 Approval of actions setting a public hearing for the Fiscal Year 2005-2006 annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports.

Recommendation: Adoption of a resolution setting a public hearing on Tuesday, August 9, 2005, at 1:30 p.m. for the Fiscal Year 2005-2006 annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports of the Director of Finance and direct the City Clerk to publish notice of the time and place of the hearing. CEQA: Not a Project. (Finance)

Resolution No. 72758 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.5 Approval of various actions related to Fiscal Year 2005-2006 Operating and Capital Budgets for the City of San José and Redevelopment Agency.

Recommendation:

- (a) Adoption of resolutions approving and adopting the Operating Budget for Fiscal Year 2005-2006 for the City of San Jose, the Capital Budget for Fiscal Year 2005-2006 for the City of San José, and the Five-Year Capital Improvement Program for 2006-2010 for the City of San José. (City Manager's Office)
Resolution Nos. 72759, 72760, and 72761 adopted.
- (b) Adoption of the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2005-2006 and the Manager's Final Budget Addendum 60. (City Manager's Office)
Ordinance No. 27474 adopted.
- (c) Adoption of the Annual Funding Sources Resolution for Fiscal Year 2005-2006 and the Manager's Final Budget Addendum. (City Manager's Office)
Resolution No. 72762 adopted.
- (d) Adoption of a resolution in compliance with Article XIII B of the Constitution of the State of California and as modified by Proposition 111 and SB 88 electing the population and inflation factors and establishing the Fiscal Year 2005-2006 Appropriation Limit. (City Manager's Office)
Resolution No. 72763 adopted.
- (e) Adoption of a resolution increasing the City Manager's delegated authority for the Civic Center Project set forth in Resolution No. 72514 from the current amount of \$345,700,000 to \$349,700,000. (City Manager's Office)
Resolution No. 72764 adopted.
- (f) Adoption of resolutions by the Redevelopment Agency Board:
 - (1) Approving amendments to the FY 2004-05 Adopted Budget to reflect various modifications to the FY 2004-05 Revenue, Operating and Capital Budgets, and amending the FY 2004-05 Agency revenue and expenditure appropriations resolution, detailed on Attachment A; and,
Agency Resolution No. 5619 adopted.
 - (2) Adopting the FY2005-2006 Operating and Capital Budgets and the FY2005-2006 Revenue and Appropriations Resolutions, and authorizing the Executive Director to rebudget FY 2004-2005 remaining project appropriation balances for on-going projects/programs previously approved by the Agency Board; and,
Agency Resolution No. 5620 and 5621 adopted.
 - (3) Making certain determinations regarding the expenditure of Agency funds to eradicate graffiti.
CEQA: Not a Project. (Redevelopment Agency)
Agency Resolution No. 5622 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.5 Approval of various actions related to Fiscal Year 2005-2006 Operating and Capital Budgets for the City of San José and Redevelopment Agency. (Cont'd.)

Staff recommendation approved with an amendment to substitute funding sources specified on June 14, 2005 Council meeting, relating to the Compensation Impact Contingency Plan Proposals (Tier 2) #5, 6, 33 and 46 (as outlined in the Manager's Proposed Budget) and Construction and Conveyance Tax Central funds and to fully fund the STAND program with funds allocated from the Sidewalk Repair program.

Staff directed to: Clarify the issue of leverage relating to grant funding resources; (2) provide a gap analysis to evaluate gaps in City services; and (3) provide an information memo to Council addressing the history of Part-Time, Benefited and Part-Time, Unbenefitted employees.

10.6 Approval to allow the purchase of food and beverages.

Recommendation: Approval to allow the City Council and Council Appointees to purchase food and beverages, with City or Redevelopment Agency funds, beginning July 1, 2005. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)
Approved.

10.7 HEARD AFTER 12.8(g) IN THE EVENING

10.8 Approval of various actions relating to FY 2005-2006 appropriations resolutions, amendments to the FY 2004-2005 Adopted Budgets and Graffiti Removal Program Findings.

Recommendation: Adoption of Redevelopment Agency Board resolutions:

- (a) Approving amendments to the FY 2004-2005 Adopted Budget to reflect various modifications to the FY 2004-2005 Revenue, Operating, and Capital Budgets, and amending the FY 2004-2005 Agency Revenue resolution, detailed on Attachment A; and,
- (b) Adopting the FY 2005-2006 Revenue and Appropriation Resolutions for the Operating and Capital Budgets detailed on Attachment B, and authorizing the Executive Director to rebudget FY 2004-2005 remaining project appropriation balances for on-going projects/programs previously approved by the Agency Board; and,
- (c) Making certain determinations regarding the expenditure of Agency funds to eradicate graffiti.

(Redevelopment Agency)

Dropped.

The Redevelopment Agency Board portion of the meeting adjourned at 3:10 P.M.

- Closed Session Report

None.

- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9707	W/S of Coleman Ave. at Taylor St.	3	Cousins Properties, Inc.	22 Lots	Commercial	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9713	W/S Masonic S/of Canoas Garden	6	Vitoil, Inc.	172 Units	SFA Resid.

- Open Forum—

None.

12 GENERAL PLAN PUBLIC HEARINGS

12.2 Acceptance of the Economic Overview for North San José, Level of Service Policy and Downtown Strategy 2000 Plan Updates.

Recommendation: Acceptance of the Economic Overview for North San José, Level of Service Policy and Downtown Strategy 2000 Plan Updates. Director of Planning, Building and Code Enforcement and Planning Commission recommend that the City Council accept staff's report and consider the comments from the Planning Commission. (6-0-1; Dhillon, absent).

HEARD AT 1:30 P.M.

12 GENERAL PLAN PUBLIC HEARINGS

12.2 Acceptance of the Economic Overview for North San José, Level of Service Policy and Downtown Strategy 2000 Plan Updates. (Cont'd.)

Council approved a memorandum regarding Items 12.2 – 12.5 from Mayor Gonzales and Council Member Reed, dated June 20, 2005, recommending

(1) Approval of staff's recommendations and further direction to staff to:
(2) Consider modified service delivery model to provide for care of new and existing parks within the plan, (3) Consider development of private parks with public access,
(4) Make clear that FAR could be allocated to new development or intensification within existing buildings by including the following language to the criteria to be considered, "innovative interior site planning designed to concentrate employees in proximity to transit", as well as "on-site amenities designed to reduce the need for workday trips, (5) Facilitate longer term planning by adding the following language to the policy; "In order to further the City's economic development policies, the City may enter into Development Agreement with corporate users that include allocations that last for the term of the Development Agreement." (6) When the zoning districts are created or modified to implement the plan, add language and criteria for the North San José area to make the most efficient use of the land to preserve the walkability of the area and utilize convenient transit opportunities for commercial and retail development, excluding cultural and live entertainment uses, so that the allowed uses are consistent with the intention not to create another downtown, (7) Implement the recycled water and water conservation program identified as proposals in the First Amendment to the Draft EIR, (8) Address potential flooding impacts by evaluating all drainage improvements for consistency with the hydraulic technical memorandum prepared the Santa Clara Valley Water District for the lower Guadalupe River and Coyote Creek, (9) To identify triggers that would determine the need for implementation of public safety and educational facilities and services, (10) Work with the school district and the appropriate other agencies, including local, state, private and redevelopment, and cities to identify funding strategy for the development of public safety and educational facilities; and to add the following Policy language: (11) Development Impact Fees will be spent on projects that have been identified as mitigation for the project, (12) Development impact Fees will only be levied for new development beyond existing development rights, (13) Only property owners who participate in the redevelopment program and pay the Development Impact Fees shall be allowed to exceed their existing development rights.

Staff directed to return by August 9, 2005 with a timeline and work plan for more extensive outreach to the Cities of Santa Clara and Milpitas, appropriate school districts within the affected areas, the County of Santa Clara and the Santa Clara Valley Water District.

12 GENERAL PLAN PUBLIC HEARINGS

12.3 Public Hearing on the following items pertaining to the modification of the City of San José Transportation Impact Policy.

Recommendation:

HEARD AT 1:30 P.M.

- (a) PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MODIFICATION OF THE CITY OF SAN JOSE'S TRANSPORTATION IMPACT POLICY. According to the proposed Traffic Impact Policy, a project's traffic improvements would be unacceptable if future vehicular capacity-enhancing improvements would result in a physical reduction in the capacity and/or a substantial deterioration in the quality (aesthetic or otherwise) of any other planned or existing transportation facilities (such as pedestrian, bicycle and transit systems and facilities). In addition, the City has identified 13 intersections at which vehicular capacity improvements beyond those already built or under construction would result in potentially significant adverse impacts. Therefore, future development projects which result in level of service (LOS) impacts at these intersections would not be required to provide LOS traffic improvements; rather, these projects would be required to provide other improvements to the transportation network (SCH #2002082001). Director of Planning, Building and Code Enforcement and Planning Commission recommend the City Council certify the Environmental Impact Report prepared for the project and find it in compliance with the requirements of CEQA. (6-0-1; Dhillon absent).
PP02-07-178 – Citywide

Dropped.

- (b) PUBLIC HEARING ON THE ADOPTION OF THE PROPOSED MODIFICATIONS TO THE CITY OF SAN JOSE'S TRANSPORTATION IMPACT POLICY. (FILE NO. PP02-07-178), establishing a new "Transportation Impact Policy" and replacing previously adopted Council Policies 5-3, "Transportation Level of Service" and 5-4, "Alternate Traffic Mitigation Measures", and allowing the exemption of certain intersections from traffic mitigation improvements if located within Transit Oriented Development Corridors, Transit Station Areas, Planned Communities, and Neighborhood Business Districts. CEQA: Resolution to be adopted Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council proposed modifications to the City of San Jose's Transportation Impact Policy. (6-0-1; Dhillon, absent). (Planning, Building and Code Enforcement/Transportation)
PP02-07-178 – Citywide

Staff/Planning recommendations tentatively approved. Noes: Cortese, Yeager.

12 GENERAL PLAN PUBLIC HEARINGS

12.3 Public Hearing on the following items pertaining to the modification of the City of San José Transportation Impact Policy. (Cont'd.)

Recommendation:

(c) PUBLIC HEARING ON ADOPTION OF A COUNCIL POLICY

AMENDMENT to amend the Council Transportation Impact Policy to establish the following list of ten locations designated as “protected intersections”:

Alameda/Hedding, Bird/San Carlos, Meridian/San Carlos, Winchester/Stevens Creek, First/Taylor, 4th/Hedding, 11th/Taylor, 24th/Santa Clara, Capitol/Hostetter, and Capitol/McKee. CEQA: Resolution to be adopted. Director of Planning,

Building and Code Enforcement recommends to the City Council approval of a Council Policy Amendment to amend the Council Transportation Impact Policy to establish the following list of ten locations designated as “protected

intersections”: Alameda/Hedding, Bird/San Carlos, Meridian/San Carlos, Winchester/Stevens Creek, First/Taylor, 4th/Hedding, 11th/Taylor, 24th/Santa Clara, Capitol/Hostetter, and Capitol/McKee. The Planning Commission recommends to the City Council approval of a Council Policy Amendment to amend the Council Transportation Impact Policy to establish the following list of eight locations designated as “protected intersections”: Alameda/Hedding, Bird/San Carlos, Meridian/San Carlos, Winchester/Stevens Creek, First/Taylor, 4th/Hedding, 11th/Taylor, and 24th/Santa Clara. (6-0-1; Dhillon absent).

Staff/Planning recommendations tentatively approved. Noes: Cortese, Yeager.

CEQA Resolution No. 72765 adopted.

Council Member Chavez read the Statement of Overriding Considerations.

Staff directed to continue working with Building Better Transportation committee and the surrounding neighborhoods, and to report back to Council with an annual status update.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.4 Public Hearing on the following items located within an area generally bounded by Coleman Avenue and the extension of Washington Street on the north, 4th Street through 7th Street on the east, Interstate 280 on the south and White Street and Stockton Avenue on the west. (Multiple Owners/City of San Jose Redevelopment Agency, Applicant).**

Recommendation:

HEARD AT 1:30 P.M.

- (a) PUBLIC HEARING ON THE APPEAL OF PLANNING COMMISSION'S CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) providing environmental clearance for the following actions: Adoption of San Jose Downtown Strategy 2000; Adoption of the Diridon/Arena Area Strategic Development Plan; Adoption of the South First Area (SoFA) Strategic Development Plan, approval of a proposal to amend the General Plan Land Use/Transportation Diagram designations from Combined Industrial/Commercial to General Commercial; Public/Quasi-Public, Office, Light Industrial with Mixed Industrial Overlay; and Public Park/Open Space on a 47.72-acre site and approval of amendments to the text of the San Jose 2020 General Plan to:

- (1) Expand the Downtown Core Area Boundary;
- (2) Expand downtown traffic level of service (LOS) exemption area to allow intersections within new Core to operate at capacity;
- (3) Amend the General Plan to state that building height in these areas will be defined by the airspace requirements of the Federal Aviation Administration (FAA) Regulations instead of specific heights and floor area ratios (FAR); and
- (4) Amend the text of Midtown Planned Residential Community to reflect the proposed San Jose Downtown Strategy Plan 2000.

Director of Planning, Building and Code Enforcement and Planning Commission recommend the City Council certify the Environmental Impact Report prepared for the project and find it in compliance with the requirements of CEQA. (6-0-1; Dhillon absent). CEQA: Resolution to be adopted.

Dropped.

- (b) PUBLIC HEARING ON ADOPTION OF THE DOWNTOWN STRATEGY PLAN 2000 which provides a long-range conceptual program for revitalizing the traditional Downtown and expanding the Greater Downtown Core Area and land use intensities to the west and north into areas that are presently undeveloped and underutilized. The amount of development anticipated to occur in the expanded Greater Downtown Core Area during the planning horizon of Strategy 2000 includes 8,000,000 to 10,000,000 square feet of office space; and 2,000 to 2,500 guest rooms of hotel space, in four to five hotel projects. CEQA: Resolution to be adopted, PP 03-123. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of the Downtown Strategy Plan 2000. (6-0-1; Dhillon absent).

**Resolution No. 72766 and CEQA Resolution No. 72767 adopted.
Staff/Planning recommendations tentatively approved.**

12 GENERAL PLAN PUBLIC HEARINGS

- 12.4 Public Hearing on the following items located within an area generally bounded by Coleman Avenue and the extension of Washington Street on the north, 4th Street through 7th Street on the east, Interstate 280 on the south and White Street and Stockton Avenue on the west. (Multiple Owners/City of San Jose Redevelopment Agency, Applicant). (Cont'd.)**

Recommendation:

- (c) PUBLIC HEARING ON A COUNCIL POLICY AMENDMENT to amend Council Transportation Impact Policy to adopt special Gateway Corridor study areas and identify the following intersections as Protected Intersections, exempt from traffic mitigation requirements: 10th/Hedding, 10th/Julian, 10th/Taylor, 11th/St James, 11th/Julian, 11th/St. John, 11th/Santa Clara, 11th San Antonio, 10th/St. James, 10th/Reed, 7th/Virginia, 4th/ Jackson, Vine/Grant and, Almaden/Virginia. CEQA: Resolution to be adopted, PP 03-123. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of amendment to Council Transportation Impact Policy to adopt special Gateway Corridor study areas to exempt the following intersections from traffic mitigation requirements: 10th/Hedding, 10th/Julian, 10th/Taylor, 11th/St James, 11th/Julian, 11th/St. John, 11th/Santa Clara, 11th San Antonio, 10th/St. James, 10th/Reed, 7th/Virginia, 4th/ Jackson, Almaden/Virginia and Vine/Grant. (6-0-1; Dhillon absent). CEQA: Resolution to be adopted, PP 03-123.

Staff/Planning recommendations tentatively approved.

- (d) PUBLIC HEARING ON ADOPTION OF THE DIRIDON/ARENA AREA STRATEGIC DEVELOPMENT PLAN which is located in the area generally bounded by the Union Pacific/Joint Powers Board railroad tracks on the north, the Guadalupe River on the east, Park Avenue on the south and White Street and Stockton Avenue. The proposed plan would provide greater detail to the Downtown Strategy Plan 2000 and provide for an integrated transportation hub, encourage transit ridership and pedestrian activity through land use decisions, provide an appropriate level of parking, protect adjacent neighborhoods from negative impacts and create new public amenities for residents and workers in the area. CEQA: Resolution to be adopted, PP 03-123. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of the Diridon/Arena Area Strategic Development Plan. (6-0-1, Dhillon absent).

Resolution No. 72766 adopted.

Staff/Planning recommendations tentatively approved.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.4 Public Hearing on the following items located within an area generally bounded by Coleman Avenue and the extension of Washington Street on the north, 4th Street through 7th Street on the east, Interstate 280 on the south and White Street and Stockton Avenue on the west. (Multiple Owners/City of San Jose Redevelopment Agency, Applicant). (Cont'd.)

Recommendation:

- (e) PUBLIC HEARING ON ADOPTION OF THE SOUTH FIRST AREA (SoFA) STRATEGIC DEVELOPMENT PLAN which is generally bounded on the north by a line approximately 250 feet north and parallel of San Carlos Street, 5th Street and San Jose State University and a mid-block line between South 3rd and South 4th Street on the east, Interstate 280 on the south, and a line west of Market Street and Almaden Blvd. on the west. Adoption of the proposed plan would provide a focus on urban design and public policy issues including the expansion of the Convention Center, development and redevelopment of properties in the area, streetscape projects and programs, circulation and parking, entertainment and marketing activities. CEQA: Resolution to be adopted, PP 03-123. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of the South First Street Area (SoFA) Strategic Development Plan. (6-0-1, Dhillon absent).

Resolution No. 72766 adopted.

Staff/Planning recommendations tentatively approved.

- (f) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to amend the General Plan Land Use/Transportation Diagram designation from Combined Industrial/Commercial to General Commercial, Public/Quasi-Public, Office, Light Industrial with Mixed Industrial Overlay, and Public Park/Open Space on a 47.72-acre site generally bounded by West Santa Clara Street on the south, Stockton Avenue and the Caltrain railroad tracks on the west, Cinnabar Street and Coleman Avenue on the north and Guadalupe Freeway and Guadalupe River on the east. CEQA: Resolution to be adopted, GP05-03-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of a General Plan Amendment to amend the Land Use/Transportation Diagram designation from Combined Industrial/Commercial to General Commercial, Public/Quasi-Public, Office, Light Industrial with Mixed Industrial Overlay, and Public Park/Open Space on a 47.72-acre site. (6-0-1, Dhillon absent).

GP05-03-01 – District 3

Staff/Planning recommendations tentatively approved.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.4 Public Hearing on the following items located within an area generally bounded by Coleman Avenue and the extension of Washington Street on the north, 4th Street through 7th Street on the east, Interstate 280 on the south and White Street and Stockton Avenue on the west. (Multiple Owners/City of San Jose Redevelopment Agency, Applicant). (Cont'd.)**

Recommendation:

- (g) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN TEXT AMENDMENT to:

- (1) Expand the Downtown Core Area Boundary;
- (2) Expand downtown traffic level of service (LOS) exemption area to allow intersections within new Core to operate at capacity;
- (3) Amend the General Plan to state that building height in these areas will be defined by the airspace requirements of the Federal Aviation Administration (FAA) Regulations instead of specific heights and floor area ratios (FAR); and
- (4) Amend the text of Midtown Planned Residential Community to reflect the proposed San Jose Downtown Strategy Plan 2000.

CEQA: Resolution to be adopted, GPT05-03-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of a General Plan Text Amendment to:

- (a) Expand the Downtown Core Area Boundary;
- (b) Expand downtown traffic level of service (LOS) exemption area to allow intersections within new Core to operate at capacity;
- (c) Amend the General Plan to state that building height in these areas will be defined by the airspace requirements of the Federal Aviation Administration (FAA) Regulations instead of specific heights and floor area ratios (FAR); and
- (d) Amend the text of Midtown Planned Residential Community to reflect the proposed San Jose Downtown Strategy Plan 2000.

(6-0-1, Dhillon absent).

(Planning, Building and Code Enforcement/Redevelopment Agency)

GPT05-03-01 - District 3

Staff/Planning recommendations tentatively approved.

Staff directed to return to Council with an information memo addressing past requests and concerns regarding the Downtown, Diridon, SOFA and additional Strategic Plans and to ensure the Strong Neighborhoods Initiative Plans go to the Planning Commission for approval before returning to Council in October.

Staff directed to provide Council with information pertaining to FAA height restrictions.

- 12.5 Public Hearing on the following staff initiated items located on 4,987 acres located south of State Route 237, east of the Guadalupe River and generally north and west**

of Interstate 880, but also including land along both sides of Murphy Avenue as far east as Lundy Avenue, otherwise known as North San Jose or Rincon de los Esteros. (City of San Jose, Applicant).

Recommendation:

HEARD AT 1:30 P.M.

- (a) PUBLIC HEARING ON THE APPEAL OF PLANNING COMMISSION'S CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) for the NORTH SAN JOSE DEVELOPMENT POLICIES UPDATE PROJECT for a General Plan Text Amendment, General Plan Land Use/Transportation Diagram Amendment, revision of the North San Jose Area Development Policy and revision to the North San Jose Deficiency Plan (File No. GPT04-04-06a, GPT04-04-06b, GP04-04-06a and GP04-04-06b) to allow intensification of development within the North San Jose Policy area. The proposed intensification would allow for the development of up to 26.7 million square feet of new industrial office/R&D space, up to 1.7 million square feet of new commercial space and up to 32,000 new residential units. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend the City Council certify the Environmental Impact Report prepared for the project and find it in compliance with the requirements of CEQA. (4-0-3; Platten, Dhillon, James absent).

Resolution No. 72768 adopted.

Staff/Planning recommendations tentatively approved. Noes: Cortese, LeZotte, and Yeager.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.5 Public Hearing on the following staff initiated items located on 4,987 acres located south of State Route 237, east of the Guadalupe River and generally north and west of Interstate 880, but also including land along both sides of Murphy Avenue as far east as Lundy Avenue, otherwise known as North San Jose or Rincon de los Esteros. (City of San Jose, Applicant). (Cont'd.)**

Recommendation:

- (b) PUBLIC HEARING ON THE PROPOSED UPDATE TO THE NORTH SAN JOSE AREA DEVELOPMENT POLICY including numerous changes to the existing traffic level of service policy (Area Development Policy) for North San Jose. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of the proposed revised North San Jose Area Development Policy. (4-0-3; Platten, Dhillon, James absent).

Staff/Planning recommendations tentatively approved. Noes: Cortese and Yeager.

- (c) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN TEXT AMENDMENT request to update the North San Jose Area Development Policy text and Golden Triangle Area Policy text to incorporate the Update to the North San Jose Area Development Policy, establishment of two new land use designations [Industrial Core and Transit/Employment Residential District Overlay (55+ DU/AC)] and proposed changes to maximum allowed building height limits. CEQA: Resolution to be adopted, GPT04-04-06a. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of a General Plan Text Amendment to update the North San Jose Area Development Policy text and Golden Triangle Area Policy text to incorporate the Update to the North San Jose Area Development Policy, establishment of two new land use designations [Industrial Core and Transit/Employment Residential District Overlay (55+ DU/AC)] and proposed changes to maximum allowed building height limits. (4-0-3; Platten, Dhillon, James absent).

GPT04-04-062 – Districts 3 and 4

Staff/Planning recommendations tentatively approved. Noes: Cortese and Yeager.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.5 **Public Hearing on the following staff initiated items located on 4,987 acres located south of State Route 237, east of the Guadalupe River and generally north and west of Interstate 880, but also including land along both sides of Murphy Avenue as far east as Lundy Avenue, otherwise known as North San Jose or Rincon de los Esteros. (City of San Jose, Applicant). (Cont'd.)**

Recommendation:

- (d) PUBLIC HEARING ON A COUNCIL POLICY AMENDMENT to amend the Council Transportation Impact Policy to designate the following location as “protected intersection”: Almaden/Grant. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of a Council Policy Amendment to amend the Council Transportation Impact Policy to designate the following location as “protected intersection”: Almaden/Grant. CEQA: Resolution to be adopted.

Staff/Planning recommendations tentatively approved. Noes: Cortese and Yeager.

- (e) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN TEXT AMENDMENT request to modify the description of an arterial roadway within Appendix E. CEQA: Resolution to be adopted, GPT04-04-06b. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of a General Plan Text Amendment to modify the arterial roadway description in Appendix E. (4-0-3; Platten, Dhillon, James absent).

GPT04-04-066 – Districts 3 and 4

Staff/Planning recommendations tentatively approved. Noes: Cortese and Yeager.

- (f) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Core Area on an approximately 600-acre area and to add the Transit/Employment Residential District (55+ Dwelling Units per Acre) and multiple Floating Park overlay designations to approximately 360 acres. CEQA: Resolution to be adopted, GP04-04-06a. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of a General Plan Amendment to change the land use designation from Industrial Park to Industrial Core Area on 600 acres, and add the Transit/Employment Residential District and Floating Park overlay designations to 335 acres. (4-0-3; Platten, Dhillon, James absent).

GP04-04-062 – Districts 3 and 4

Staff/Planning recommendations tentatively approved. Noes: Cortese and Yeager.

12 GENERAL PLAN PUBLIC HEARINGS

12.5 Public Hearing on the following staff initiated items located on 4,987 acres located south of State Route 237, east of the Guadalupe River and generally north and west of Interstate 880, but also including land along both sides of Murphy Avenue as far east as Lundy Avenue, otherwise known as North San Jose or Rincon de los Esteros. (City of San Jose, Applicant). (Cont'd.)

- (g) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT to change the designation of one arterial and two junctions on the General Plan Land Use/Transportation Diagram. CEQA: Resolution to be adopted, GP04-04-06b. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of a General Plan Amendment to change the designation of one arterial and two junctions on the General Plan Land Use/Transportation Diagram. (4-0-3; Platten, Dhillon, James absent). (Planning, Building and Code Enforcement.)
GP04-04-066 – Districts 3 and 4

Staff/Planning recommendations tentatively approved. Noes: Cortese and Yeager.

- (h) (1) Acceptance of the June 2005 North San José Traffic Impact Fee Plan prepared by Hexagon Transportation Consultants, Inc.
(2) Approval of an ordinance adding Chapter 14.29 to Title 14 of the San José Municipal Code establishing a traffic impact fee on new industrial and residential development subject to the North San José Area Development Policy in order to implement the traffic improvements set forth in the North San José Area Development Policy. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend to the City Council approval of an ordinance to establish a Traffic Impact Fee on new industrial and residential development within the North San Jose Area Development Policy boundaries in order to implement the traffic improvements set forth in the North San Jose Area Development Policy.

Ordinance No. 27493 passed for publication.

Staff/Planning recommendations tentatively approved. Noes: Cortese and Yeager.

Staff directed to bring back to Council with their report on August 9, 2004 a workplan including a timeline and financial breakdown.

- **Open Forum**
None.

- **Adjournment**
The Council of the City of San José adjourned at 6:28 P.M. in memory of Nancy Louise McWard, Mother of Jennifer Maguire, Assistant Budget Director.

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

7:26 P.M.

TUESDAY, JUNE 21, 2005

CHAMBERS

- 1. Call to Order**
Absent – Council Members: None.
- 2. Approval of actions related to the City of San José Financing Authority’s Lease Revenue Commercial Paper Notes Program.**

Recommendation:

- (a) Adoption of a resolution of the City Council approving and authorizing the execution of financing documents and authorizing other related actions in connection with the City of San José Financing Authority’s Lease Revenue Commercial Paper Notes Program in the not-to-exceed aggregate principal amount of \$98,000,000, to permit the issuance of taxable commercial paper notes.

Resolution No. 72769 adopted.

- (b) Adoption of a resolution of the City of San José Financing Authority approving and authorizing the execution of financing documents and authorizing other related actions in connection with the City of San José Financing Authority’s Lease Revenue Commercial Paper Notes Program in the not-to-exceed aggregate principal amount of \$98,000,000 to permit the issuance of taxable commercial paper notes.

CEQA: Not a Project. (Finance)

San José Financing Authority Resolution No. 71 adopted.

- 3. Adjourn the San José Financing Authority.**

The San José Financing Authority meeting adjourned at 7:27 p.m.